



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=16A

In re Application of:	)	Conf. No.: 2547
	)	
David WALLACH et al	)	Art Unit: 1642
	)	
Appln. No.: 09/824,134	)	Examiner: M. Davis
	)	
Filed: April 3, 2001	)	Washington, D.C.
	)	
For: MODULATORS OF THE	)	March 7, 2005
FUNCITON OF FAS/APO1 ...	)	

**RESPONSE**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop  
401 Dulany Street  
Alexandria, VA 22314

Sir:

The present communication is responsive to the official action of February 25, 2005. Claims 1-7, 11 and 14 presently appear in this case. No claims have been allowed. The official action of February 25, 2005, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

It is noted that the finality of the previous Office action has been withdrawn, and all of the previous rejections have been withdrawn. Prosecution has been reopened to make the following new rejection.

Claims 1-7 have been provisionally rejected under the judicially created doctrine of obviousness-type double

Appln. No. 09/824,134  
Response dated March 7, 2005  
Reply to official action of February 25, 2005

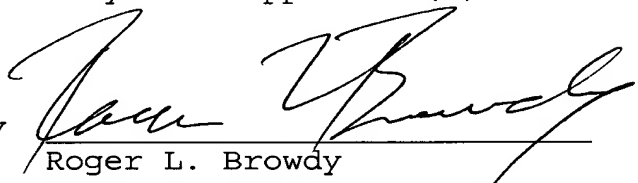
patenting as unpatentable over claims 29-31, 39 and 42-46 of  
copending application no. 08/860,082. The examiner states  
that a timely filed terminal disclaimer in compliance with 37  
C.F.R. §1.321(b) and (c) may be used to overcome an actual or  
provisional rejection based on a nonstatutory double patenting  
ground, provided that the conflicting application or patent is  
shown to be commonly owned with this application.

Attached hereto is a terminal disclaimer in full  
compliance with the applicable rules. In view of this  
terminal disclaimer, the provisional obviousness-type double  
patenting rejection has now been obviated. Reconsideration  
and withdrawal thereof is respectfully urged.

It is submitted that all of the claims now present  
in the case clearly define over the references of record.  
Reconsideration and allowance are therefore earnestly  
solicited.

Respectfully submitted,

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